

REMARKS

Claims 1, 4-12 are pending. New claims 13 and 14 have been added. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Claims 1, 5-9, and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,964,743 to *Abuto et al.*, while claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over this reference. Claim 12 stands rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over *Abuto et al.* Claims 1, 4, and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over EP 320,314 to *Terada*. Lastly, claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the *Abuto et al.* patent in view of U.S. Patent No. 5,986,167 to *Arteman et al.* Based on the following remarks, reconsideration and withdrawal of these several rejections are respectfully requested.

Claim 1 includes the limitation “the liquid-pervious layer is a resin film which is extrusion laminated onto the liquid-absorbing layer and processed to have the through-holes.”

With respect to this limitation, set forth in the Office Action is the statements:

Abuto et al. teach providing either a previously produced film or newly formed film (column 15, lines 3-8). Additionally, Abuto et al. teach thermal bonding may be used to bond the film to the nonwoven (column 15, line 2). Thus, the final product of Abuto et al. would have the same structure as that created by Applicant’s claimed extrusion laminating, since both methods create bonding by heating the film to a molten level so that it adheres to the fibrous layer... [and that]

Terada teaches using lamination bonding via hot rolls (column 2, lines 60-62). Thus, the final product of Terada would have the same structure as that created by Applicant’s claimed extrusion laminating, since both methods create bonding by

heating the film to a molten level so that it adheres to the fibrous layer.”

With respect to the foregoing statements, however, Applicants respectfully assert that the meaning of “depositing a newly formed film and/or nonwoven layer,” which is stated in column 15, lines 6-7 of *Abuto et al.*, is ambiguous and is not identical to the claimed “extrusion laminating,” as set forth in Applicants’ independent claim 1. Furthermore, Applicants respectfully assert that the final product arrived at by the *Abuto et al.* and/or the *Terada* patents would not possess the same structure as the product which is created by Applicants’ claimed extrusion laminating.

As stated in the Office Action, the film processed by thermal-bonding techniques using hot gas, hot rolls, hot needles, etc. may also be heated to a molten level. However, in the case where hot rolls, hot needles or the like are used, the film will be only partially heated. Hence, it is impossible for the contact between the liquid-absorbing layer and the liquid-pervious layer to be better than the contact between the layers in the case of the extrusion laminating.

When using hot gas or the like, on the other hand, the entire film may be heated to a molten level, if desired. However, if hot gas is applied to a degree such that the entire film is heated to a molten level, the underlying liquid-absorbing layer will be greatly affected. This is true particularly when the constituent fibers are thermoplastic. However, in the case of extrusion laminating, the underlying liquid-absorbing layer will not be affected. Accordingly, Applicants respectfully assert that the product created by the *Abuto et al.* and *Terada* references would be structurally different from the claimed invention. As a result, Applicants respectfully assert that reconsideration and withdrawal of the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) are in order, and a notice to that effect is earnestly requested.

Regarding the *Arteman et al.* patent, when this reference is combined with the *Abuto et al.* patent, the extrusion lamination as set forth in claim 1 is still not disclosed. Accordingly, this

patent fails to cure any of the deficiencies of the *Abuto* et al. and/or the *Terada* references. Therefore, Applicants respectfully assert that claim 1 is also patentable over the combination of the cited references, and a notice to that effect is earnestly solicited.

In newly added claim 13, the liquid-absorbing layer is thermoplastic synthetic fibers. Accordingly, if hot gas is applied to a degree such that the entire film is heated to a molten level, the thermoplastic synthetic fibers of the liquid-absorbing layer will be greatly affected. For example, the liquid-absorbing layer will lose bulk. Hence, Applicants respectfully assert that claim 13 is also patentable over the cited prior art.

In light of the patentability of amended independent claim 1, for the reasons above, dependent claims 4-12, as well as new independent claim 13 and dependent claim 14 are all patentable over the prior art.

Based on the foregoing remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

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Respectfully submitted,

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